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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 978,486	10 15 2001	Yi-Jyun Lin	06618-343002	5129

20985 7590 12 18 2002

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EXAMINER

ANDRES, JANET L.

ART UNIT PAPER NUMBER

1646

DATE MAILED: 12 18 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/978,486

Applicant(s)

LIN ET AL.

Examiner

Janet L Andres

Art Unit

1646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 30 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-4 and 6-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 9-14, 17 and 22 is/are allowed.
- 6) ☐ Claim(s) 1-4, 6-8, 15, 16, 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1 ☐ Certified copies of the priority documents have been received.
- 2 ☐ Certified copies of the priority documents have been received in Application No. _____.
- 3 ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s)
- 4) ☐ Interview Summary (PTO-413) Paper No(s)
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other

Art Unit: 1646

RESPONSE TO AMENDMENT

1. Applicant's amendment filed 30 September 2002 is acknowledged. Claims 1-4 and 6-22 are pending and under examination in this office action.

Claim Rejections/Objections Withdrawn

2. The objection to the specification is withdrawn in response to Applicant's amendment.

3. The rejection of claim 21 as containing new matter is withdrawn in response to Applicant's amendment.

4. The rejection of claims 1-4, 6-17, 19, 21, and 22 under 35 U.S.C. 112, first paragraph, as lacking written description and/or enablement is withdrawn in response to Applicant's amendment.

5. The rejection of claims 1-4, 6-17, 19, 21, and 22 under 35 U.S.C. 112, second paragraph, for the reasons of record in the office action of paper no. 5 is withdrawn. New grounds of rejection of claims 1-4, 6-8, 15, 16, and 21 under 35 U.S.C. 112, second paragraph, are presented below.

New Grounds of Rejection

6. Claims 1-4, 6-8, 15, 16, and 21 are newly rejected under 35 U.S.C. 112, second paragraph, as indefinite in the recitation of "modulates" the effects of heat stress. "Modulates" does not indicate what effect the protein has; one of skill in the art would not be able to determine what effects were intended by "modulates" and thus would not know what proteins, and thus what antibodies, Applicant intended the claims to encompass.

Art Unit: 1646

8. Claims 18-20 are newly rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims do not require that the antibody be isolated and thus read on products of nature.

CLAIMS 9-14, 17, AND 22 ARE ALLOWED. CLAIMS 1-4, 6-8, 15, 16, AND 18-21 ARE REJECTED.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet Andres, Ph.D., whose telephone number is (703) 305-0557. The examiner can normally be reached on Monday through Friday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, Ph.D., can be reached at (703) 308-6564. The fax phone number for this group is (703) 872-9306 or (703) 872-9307 for after final communications.

Communications via internet mail regarding this application, other than those under U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to yvonne.eyler@uspto.gov.

All Internet email communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly

Application Control Number: 09/978,486

Page 4

Art Unit: 1646

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Janet Andres, Ph.D.

December 13, 2002